

## REMARKS

Claims 1-24 are pending. The Examiner is thanked for indicating the allowance of claims 5-13, 15-16 and 20-23. Claims 1-4, 14, 17-19 and 24 stand rejected. In view of the following remarks, allowance of all pending claims is respectfully requested.

### **Rejection of Claims 1-4, 14 and 17-19 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Melvin**

#### **Claim 1**

Claim 1 recites a controller disposed in a network component and operable to receive an activity level of a port from a processor disposed in the network component and associated with the port and to generate a signal that is related to the activity level.

For example, referring, *e.g.*, to FIG. 3 and paragraph 30 of the present patent application, a network component 50 includes a CPU-subsystem 31 and a controller 51. The CPU-subsystem 31 reads the actual transmit and receive counts associated with a data port, generates an activity level rate of data traffic based upon the transmit and receive counts, and provides the activity level to the controller 51. The controller 51 generates a signal that represents the activity level and drives an indicator LED 40 with the signal such that the LED indicates the activity level of the port

Melvin, on the other hand, fails to teach a controller disposed in a network component and operable to receive an activity level of a port from a processor and to generate a signal that is related to the activity level. Melvin at, *e.g.*, FIGS. 1 and 4 and col. 2, line 42 to col. 3, line 25 teaches a mode controller 23

having an output line directed to LED drivers 24 and an input line responsive to a port status sampler 26. Specifically, at col. 3, lines 14-19, Melvin teaches that, "[i]n a primary mode of operation, the multiple port outputs of port status sampler 26 are routed to LED drivers 24. The LED drivers increase the output signals of sampler 26 to a sufficient level to illuminate LEDS 13. In this manner, each of the LEDS displays the communication activity occurring at a respective connection port." It is unclear what function, if any, the mode controller 23 performs in this interaction between the sampler 26 and drivers 24. However, it is clear that Melvin fails to teach that the mode controller provides a port-activity level to a controller or generates a signal related to the activity level. A consequence of this arrangement is that one component (sampler 26) provides a port-activity level and generates a signal related to the activity level. As such, Melvin cannot be fairly said to teach or suggest the limitations of claim 1, which specifically require that different components respectively perform the tasks of providing a port-activity level and generating a signal related to the activity level. Accordingly, Melvin fails to teach or suggest the invention recited in claim 1.

**Claims 14 and 17**

Claims 14 and 17 are patentable for reasons similar to those discussed above in support of claim 1.

**Claims 2-4 and 18-19**

Claims 2-4 and 18-19 are patentable by virtue of their respective dependencies from claims 1 and 17.

**Rejection of Claim 24 Under 35 U.S.C. § 102(b) As Being Anticipated By Melvin**

Claim 24 is patentable for reasons similar to those discussed above in support of claim 1.

**CONCLUSION**

In light of the foregoing, Applicants' undersigned attorney submits that claims 1-24 as previously pending are in condition for full allowance, and a Notice of Allowance is therefore respectfully requested.

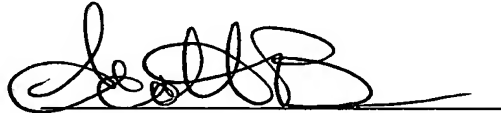
In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 50-1078.

If the Examiner believes that a phone interview would be helpful, she is respectfully requested to contact the undersigned. **If the Examiner does not agree with the positions advance herein by the undersigned, the Examiner is respectfully requested to telephone the undersigned to discuss such positions prior to issuing an action rejecting any pending claim.**

Respectfully submitted,  
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Date:

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